

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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FIRSTTRUST BANK,

Plaintiff,

-against-

SCOTT SISKIND, JOHN REIMER, NEIL
SISKIND, JEANNE KERAMIS, DAVID
ANAKIE, LINKUP MEDIA, INC.,

Defendants.
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**MEMORANDUM OF
DECISION AND ORDER**
09-CV-2918 (ADS)(WDW)

APPEARANCES:

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By: Allison Ann Snyder, Esq., Of Counsel

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Attorneys for Defendants David Anakie and Linkup Media, Inc.
225 Broadway, Suite 512
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By: Michael Biniakewitz, Esq., Of Counsel

SPATT, District Judge.

On July 9, 2009, Firsttrust Bank (“Firsttrust”) commenced this lawsuit alleging that the Defendants effected various fraudulent conveyances. On October 20, 2009, after Defendants John Reimer and Jeanne Keramis failed to answer the complaint, Firsttrust filed a motion for a default judgment. The Clerk’s Office subsequently issued an entry of default and United States District Judge Joanna Seybert, who was originally assigned to this case, referred the matter to United States Magistrate Judge Michael Orenstein for a hearing.

At a Fed. R. Civ. P. 55 hearing on December 14, 2009, Judge Orenstein determined that this case was related to several other matters pending before this Court and United States Magistrate Judge William D. Wall. In light of the related case rule, Judge Orenstein requested that this case be reassigned. On January 5, 2010, the case was reassigned to this Court and Judge Wall.

After an initial conference date was adjourned, Judge Wall held a status conference on March 25, 2010. Firsttrust never appeared for the conference. As a result, Judge Wall instructed Firsttrust’s counsel to “confer with [Defendant Keramis’s counsel] and Mr. Reimer, and then inform the court whether [Firsttrust] wishes 1) to withdraw its motion for a default and commence discovery or 2) to proceed with the default motion.” Docket No. 19. Firsttrust has yet to respond to Judge Wall’s directive.

Having failed to follow Judge Wall's instructions, counsel for Firsttrust is directed to inform the Court, in writing, by August 31, 2010, why an order should not be entered dismissing this action for failure to prosecute under Fed. R. Civ. P. 41(b).

SO ORDERED.

Dated: Central Islip, New York
August 24, 2010

/s/ Arthur D. Spatt
Arthur D. Spatt
United States District Judge